

FILED

Case 1:08-cv-01020-MJC

Document 6

Filed 02/26/2008

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FEBRUARY 26, 2008

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

RECEIVED

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MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

Antoine McGee

ID# 39819

(Enter above the full name
of the plaintiff or plaintiffs in
this action)

08cv1020
JUDGE KOCORAS
MAGISTRATE JUDGE BROWN

vs.

Case # _____
(To be supplied by the Clerk of this Court)

Joseph Burke, Mark Wilson

Anthony Davis, Michael Grant

Terlin Allen, Brian Givens

William Brown, Michael Buczkowski

Sandy Thompson, Meel Tech-wendy

Jeff Sawyer, % Palma

(Enter above the full name of ALL
defendants in this action. Do not
use "et al.")

CHECK ONE ONLY:

☒ **COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION
1983 U.S. Code (state, county, or municipal defendants)**

☐ **COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION),
TITLE 28 SECTION 1331(a) U.S. Code (federal defendants)**

☐ **OTHER (cite statute, if known)**

**BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR
FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.**

I. Plaintiff(s):

- A. Name: ANTOINE Mc Gee #0# B-39819
- B. List all aliases: Gregory Redmond
- C. Prisoner identification number: B-39819
- D. Place of present confinement: Hill CORR Center
- E. Address: 600 S. Linwood Rd. Galesburg, IL 61401

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, and current address according to the above format on a separate sheet of paper.)

II. Defendant(s):

(In A below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in B and C.)

- A. Defendant: Mark Wilson
 Title: Lieutenant
 Place of Employment: Statesville CORR. Center
- B. Defendant: Anthony Davis
 Title: Lieutenant
 Place of Employment: Statesville CORR. Center
- C. Defendant: Michael Grant
 Title: Sargent
 Place of Employment: Statesville CORR. Center

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

III. Exhaustion of Administrative Remedies

You are required to exhaust all your available administrative remedies before bringing an action in federal court.

A. Is there a grievance procedure available at your institution?

YES (☒) NO () If there is no grievance procedure, skip to F.

B. Have you filed a grievance concerning the facts in this complaint?

YES (☒) NO ()

C. If your answer is YES:

1. What steps did you take?

filed a grievance to unit counselor
and never recieved a response

2. What was the result?

None

3. If the grievance was not resolved to your satisfaction, did you appeal?

What was the result (if there was no procedure for appeal, so state.)

filed grievance at statesville no
response, returned to Hill CORR. Center filed
a grievance Springfield no response.

D. If your answer is NO, explain why not:

due to failure of response from
Springfield.

E. Is the grievance procedure now completed? YES () NO (☒)

F. If there is no grievance procedure in the institution, did you complain to authorities? YES (☒) NO ()

G. If your answer is YES:

1. What steps did you take?

Requested Medical Attention.

2. What was the result?

I did not receive any attention until
I arrived back at Hill CORR Center.

H. If your answer is NO, explain why not:

due to nobody was allowed to leave
the unit and because I was a
Court writ.

IV. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court (including the Central and Southern Districts of Illinois):

- A. Name of case and docket number: None
- B. Approximate date of filing lawsuit: None
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: None
- D. List all defendants: None
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): None
- F. Name of judge to whom case was assigned: None
- G. Basic claim made: None
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): None
- H. Approximate date of disposition: None

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

V. Statement of Claim:

State here as briefly as possible the facts of your case. Describe precisely how each defendant is involved. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

On May 26th 2005 I Antoine McGehee was on a Court writ and was housed in F-House cell-350 and an incident took place whereas the correctional officials created this entire incident when they went to cell #109 and started calling the inmate in that cell a "Baby Raper" and ordered the tower officer to open the cell #F-109 without handcuffing the inmate who was in segregation and on extreme escape risk. After booking this inmate a fire was set by the back door and the officials deliberately stood by and allowed this fire to burn out of control. While two known aggressors (Lt. Brown and Lt. Givens) went to cell #F-129 and placed two cans of mace in the chockhole and emptied them after the fact that mace was already sprayed in cell #F-109 This incident escalated out of control as inmates gasped for air and banged on doors asking the correctional officials to open the door to let the smoke out. The unit Lt. Wilson, Sgt. Grant, ~~CUA~~ dancing in front of the unit stating that they were going to get paid, that

they had Aftec. As these officials stood by the fire
 was well on its way to burn out of control and the
 top of the cellhouse was filled with thick black toxic
 smoke whereas you couldn't see the cell across the
 gallery and there were several mattresses and 12-20
 large bags filled with styrofoam trays and other
 garbage in them. I then started to call all
 officials that I know by name Sgt. Grant, Lt. Davis,
 Lt. Buczkowski, Lt. Wilson, % Allen, % Palma and Lt. Sawyer
 and not one official took steps to come see what I
 wanted and I told them I could not breathe and
 Lt. Buczkowski went so far as to say put some
 pressure on your bunk and you will be alright. The
 next day I saw Med-Tech Sandy Thompson I stated
 to him I was having breathing problems and that I
 needed to see a doctor and I was told that He
 Sandy would try to get me over to the doctor and
 it never happen and I was also told by Med-Tech Wendy
 that she was not taken nobody out of their cell. for
 nothing that I need to see the morning Med-Tech. I didn't
 receive any medical attention until my arrival back to
 Hill Corr. center. These officials denied me my
 constitutional rights and violated my 8th Amendment by
 denial of protection of my health and safety due to their deliberate
 indifference and their cruel and unusual punishment I still suffer from
 inhaling toxic smoke. Every official name is, sued in their own individual
 Capacity.

VI. Relief:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

to be awarded compensatory damages as well as to nominal and punitive damages for as to longstanding and vesive and deliberate indifference to protect my Health and safety for the sum of \$450,000, and whatever the court feels that should be appropriate, plus copying fees, and I want Defendant to be criminally prosecuted for violating my civil rights.

I declare under penalty of perjury that all facts given in the complaint are true and correct.

Signed this 10th day of January, 2008

Antoine McKen
(Signature of plaintiff or plaintiffs)

B-39819
(I.D. Number)

Po Box - 1700
Galesburg IL
61401
(Address)

AFFIDAVIT OF AFFIRMATION UNDER PENALTY OF PERJURY

I, Antoine McGee, affiant, do hereby declare and affirm under penalty of perjury as defined in 735 ILCS 5/1-109 that everything contained herein is true and accurate to the best of my knowledge and belief. I further declare and affirm that the contents of the foregoing documents are known to me and are accurate to the best of my knowledge and belief.

Signed on this 10th day of Jan., 2008.

Antoine McGee
Affiant

Any pleading, affidavit or other document certified in accordance with 735 ILCS 5/1-109 may be used in the same manner and with the same force and effect as though subscribed and sworn to under oath.

Any person who makes a false statement, material to the issue or point in question, which he does not believe to be true, in any pleading, affidavit or other document certified by such person in accordance with this Section shall be guilty of a Class 3 felony.

Defendant: Lt. Buczkowski

Title: Lieutenant

Place of Employment: Statesville Corr. Center

Defendant: Lt. Brown

Title: Lieutenant

Place of Employment: Statesville Corr. Center

Defendant: Lt. Givens

Title: Lieutenant

Place of Employment: Statesville Corr. Center

Defendant: Lt. Sawyer

Title: Lieutenant

Place of Employment: Statesville Corr. Center

Defendant: J. Allen

Title: Correctional Officer

Place of Employment: Statesville Corr. Center

Defendant: ~~Palma~~ Palma

Title: Correctional Officer

Place of Employment: Statesville Corr. Center

Defendant: S. Thompson

Title: Med-Tech

Place of Employment: Statesville Corr. Center

Defendant: Wendy

Title: Med-Tech

Place of Employment: Statesville Corr. Center

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Defendant: Lt. Wilson subjected Plaintiff to cruel and unusual punishment by not taking control of the situation by him being an authority figure when the incident first took place. He failed to protect Plaintiff health and safety by standing by and allowing the fire to continue to burn and stating he was going to get paid because he had a fat. by the lieutenant not taking control of the sergeant and G's is definitely deliberate indifference.

Defendant: Sgt. Grant was deliberately indifference and denied Plaintiff protection of health and safety and subjected the plaintiff to cruel and unusual punishment by creating this horrific ~~atmosphere~~ and by throwing a lit cigarette in the garbage and not trying to put out the fire as it burned out of control

Defendant: Lt. Buczkowski was deliberately indifference and denied the plaintiff ~~protection~~ of health and safety and subjected plaintiff to cruel and unusual punishment by not stepping up to right the wrong that was being demonstrated and when he was called upon for help he stated "put some pressure on your bunk and you will be alright."

Defendant: Med. Tech Thompson was deliberately indifference when he failed help or protect the safety and health of Plaintiff when the plaintiff asked for help, the plaintiff constitutional rights were denied and the plaintiff was subjected to cruel and unusual punishment when no help was given.

Defendant: Lt. Givens was deliberately Indifferent by Denial the plaintiff protection of health and safety and subjected the plaintiff to cruel and unusual punishment, when Lt. Givens and Brown both opened up the chuekhole and emptied two cans of mace inside knowing the area was small and the chemical agent would cause breathing problems for the intire unit.

Defendant: Lt. Brown subjected the plaintiff to cruel and unusual punishment by denying the plaintiff health and safety to be protected whereas Lt. Brown joined Lt. Givens at the cell to spray two full cans of mace inside when he had no reason to. Plaintiff informed both officials that he was having breathing problems they both stated let the fucker burn and did not attempt to put out the fire.

Defendant: Lt. Sawyer denied the plaintiff of his constitutional rights that guarantees that prison officials provide safety to inmates but Lt. Sawyer simply just watched as the fire burned along with other officials this subjected Plaintiff to cruel and unusual punishment.

[REDACTED]

Defendant: Lt. Davis subjected plaintiff to cruel and unusual punishment by not taking control of the situation since he was the lieutenant in charge of the shift. Lt. Davis failed to protect Plaintiff health and safety by standing by and stating let it burn they will learn next time not to mess with the staff by Lt. Davis not taking control of the situation and his fellow co-workers (correctional officials) is truly deliberate indifference of health and safety caused by staff.

Defendant. Deputy Director Joseph Burke, subjected the plaintiff to cruel and unusual punishment and was deliberately indifference ~~to~~ ~~for~~ because He failed to protect the Health and safety of plaintiff, whereas the plaintiff put the officials on notice about the staff and G's.

Defendant. Med. Tech Wendy Subjected the plaintiff to cruel and unusual punishment and was deliberately indifference when she failed to help and protect the Health and safety of the plaintiff when the plaintiff asked for Help the plaintiff constitutional rights were denied.

IN THE

UNITED STATE DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

Antoine Mc Gee
 Plaintiff/Petitioner

vs.

No. _____

JOSEPH BURKE Et, al;
 Defendant/Respondent

PROOF/CERTIFICATE OF SERVICE

TO: Prisoner Correspondence
Northern District of Illinois
219 S. Dearborn St.
Chicago IL 60604

TO: _____

PLEASE TAKE NOTICE that on 1-10, 2008, I placed the documents listed below in the institutional mail at Hill Correctional Center Correctional Center, properly addressed to the parties listed above for mailing through the United States Postal Service: Hill Correctional Center P.O. Box-1700 Galesburg IL 60604

Pursuant to 28 USC 1746, 18 USC 1621 or 735 ILCS 5/1-109 I declare, under penalty of perjury, that I am a named party in the above action, that I have read the above documents, and that the information contained therein is true and correct to the best of my knowledge and belief.

DATED: 1-10-081st Antoine Mc GeeNAME: Antoine Mc GeeIDOC No. B-39819Hill

Correctional Ctr.

POB 1700Galesburg

IL